



FACILITY COMPLIANCE INSPECTION REPORT

Division of Waste Management

Solid Waste Section

UNIT TYPE:

| | | | | | | | | | | | | |
|--------------|--|-----------------------|--|---------------|--|---------------------|--|----------------|----------|------|--|-----------------------|
| Lined MSWLF | | LCID | | YW | | Transfer | | Compost LG III | | SLAS | | COUNTY: HENDERSON |
| Closed MSWLF | | HHW | | White goods | | Incin | | T&P | X | FIRM | | PERMIT NO: 45-05 T&P |
| CDFL | | Tire T&P / Collection | | Tire Monofill | | Industrial Landfill | | DEMO | | SDTF | | FILE TYPE: COMPLIANCE |

Date of Site Inspections: 3/16/2012

Date of Last Inspection Report: 05/13/2011

FACILITY NAME AND ADDRESS:

Les's Mulch Plus
2630 Asheville Highway
Hendersonville, NC 28792

GPS COORDINATES: N: 35.353059 E: -82.470845

FACILITY CONTACT NAME AND PHONE NUMBER:

Name: Leslie and Linda Erickson, owner/operators
Phone: (828) 628-0350
Les Erickson cell: (828) 243-4537
Linda Erickson cell: (828) 329-0329
Email: brushrat2003@yahoo.com

FACILITY CONTACT ADDRESS:

PO Box 1783
Fairview, NC 28730

PARTICIPANTS:

Andrea Keller, NCDENR Solid Waste Section (DWM)
Larry Frost, NCDENR Solid Waste Section
Linda Erickson, owner/operator

STATUS OF PERMIT:

Permit start date: November 2, 2006
Permit Expired: November 2, 2011

PURPOSE OF SITE VISIT:

Comprehensive site inspection – permit expiration and ongoing buffer violation.

STATUS OF PAST NOTED VIOLATIONS:**15A NCAC 13B .0203 (d): ONGOING**

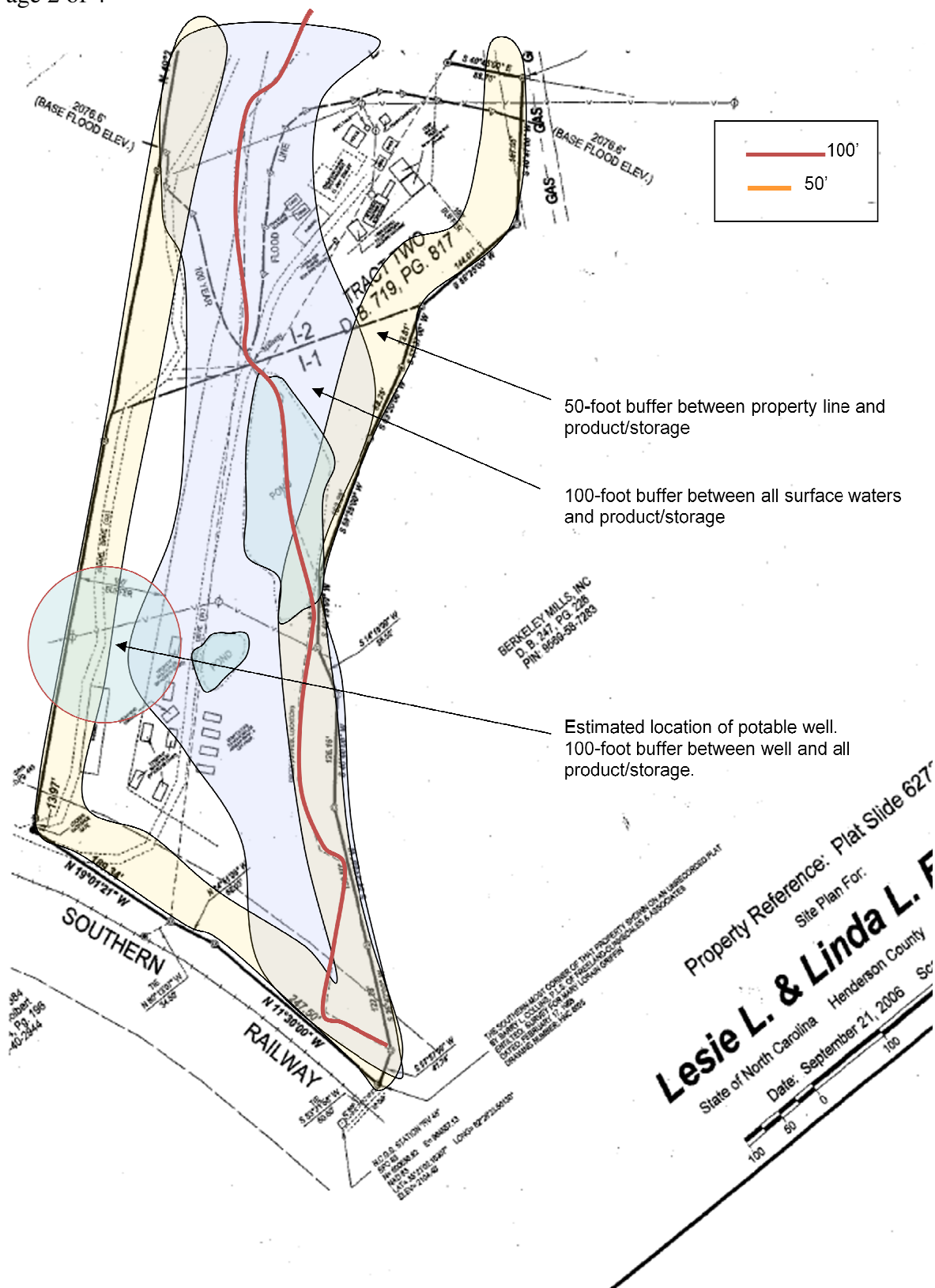
The facility received a Notice of Violation (NOV) on July 15, 2010, for failure to maintain the 100-foot buffer requirements between stored material/mulch from all surface waters and the on-site well. Follow-up inspections verified progress, but not final satisfaction of the NOV. See map below for buffer requirements:

2090 US Highway 70, Swannanoa, North Carolina 28778
Phone: 828-296-4500 \ FAX: 828-299-7043 \ Internet: <http://portal.ncdenr.org/web/wm/sw>

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During the 03/16/2012 site inspection, material was located both near the approximate location of the potable well (see arrow) and within the 50-foot buffer from the property line (both sides of the access road).



03/16/12

In order to achieve compliance, Les's Mulch Plus must mark and maintain the 50-foot buffer requirement between all property lines and the mulching/material storage operations; and must mark and maintain the 100-foot buffer requirement between all on site wells and surface waters and the mulching/material storage operations.

OBSERVED VIOLATIONS:

15A NCAC 13B .0201 (c): No solid waste management facility shall be established, operated, maintained, constructed, expanded or modified **without an appropriate and currently valid permit issued by the Division**. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.

On November 2, 2011 the permit for facility 45-05 TP Les's Mulch Plus was allowed to expire. No renewal request is on file with the Section. **In order to achieve compliance, Les's Mulch Plus must contact the Permitting Branch within 15 days of issuance of this report, and begin, in writing, the permit renewal process with the Section within 30 days.** Failure to do so will require that all solid waste management at the facility must cease and all materials must be removed from the site for proper management and/or disposal. Additionally, **no further intake of material is allowed at the facility** until further notified and after resolution of Permitting Branch requirements for the permit renewal process. Permitting Branch: Larry Frost (larry.frost@ncdenr.gov ; 828-296-4704).

The item(s) listed above were observed by Section staff and require action on behalf of the facility in order to come into or maintain compliance with the Statutes, Rules, and/or other regulatory requirements applicable to this facility. Be advised that pursuant to N.C.G.S. 130A-22, an administrative penalty of up to \$15,000 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or Order under Article 9 of Chapter 130A of the N.C. General Statutes. Further, the facility and/or all responsible parties may be subject to enforcement actions including penalties, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules.

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ADDITIONAL COMMENTS

1. Site visit conducted with Larry Frost, Permitting Branch Engineer. Ms. Erickson was briefly present and was told that the permit had expired in November. She stated that they were unaware of this and that she had to leave the site promptly, but that Mr. Erickson would **contact Mr. Frost (828-296-4704)**. It was stated (AKeller) that the facility would be facing a Notice of Violation regarding the expiration.
2. During the 5/31/11 inspection it had appeared as though some progress had been made to restore and maintain buffer requirements at the facility. As noted above, the facility appears to have reverted back to original site practices and was again storing materials within the 50-foot property boundary buffer and the 100-foot to surface water and potable well buffer.
3. It was stated in the 5/31/11 inspection report that the facility was nearing the 12-month mark of having no operational grinder available, and that material was stockpiling past the PTO Operational Condition (#12) which requires a *minimum of 75% of acceptable materials received shall be treated or processed and distributed within 12 months of receipt*. Please note that the material on the back portion of the site (near where the fire occurred in the fall of 2010) does not meet this requirement and has been staged for longer than 12 months.

As noted under the Observed Violations section above, and as warned in item #4 in the 5/31/11 site inspection report, the facility permit lapsed on November 2, 2011. The facility will be receiving additional information from the Permitting Branch but at this time, **no further intake of material is allowed at the facility** until further notified and after resolution of Permitting Branch requirements for the permit renewal process.

Please contact me if you have any questions or concerns regarding this inspection report.



Andrea Keller
Environmental Senior Specialist
Regional Representative

Phone: 828-296-4700

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| Sent on: March 21, 2012 | | Email: brushrat2003@yahoo.com | US Mail: PO Box 1783 Fairview, NC 28730 | | Certified No. <u>7006 2150</u> <u>0005 2458 9334</u> |
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ec: Mark Poindexter, Field Operations Branch Head – Solid Waste Section
Jason Watkins, Western District Supervisor – SWS
Larry Frost, Permit Engineer – SWS
Shawn McKee, Compliance Officer – SWS